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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER L. GORDON,

Defendant.

) Case No. **4:19-cr-00009-RRB-SAO**
)
) COUNT 1
) WASTEFUL TAKING OF MARINE
) MAMMAL
) Vio. of 16 U.S.C. §§
) 1372(a)(2)(A), 1371(b)(3), and
) 1375(b); and 50 C.F.R. § 18.3.
)
)
)

INFORMATION

GENERAL ALLEGATIONS

At all times relevant to this Information:

1. The defendant was a resident of the Native Village of Kaktovik, Alaska, situated on Barter Island on Alaska's northeastern coast.

2. The defendant was qualified to take marine mammals for subsistence and other purposes in accordance with the Marine Mammal Protection Act and the related regulations.

Relevant Federal Law: The Marine Mammal Protection Act and Regulations

3. The Marine Mammal Protection Act, Title 16, United States Code, § 1372(a)(2)(A), prohibits the taking of marine mammals in waters or on lands under the jurisdiction of the United States except as provided by other laws.
4. The Act also provides, at Title 16, United States Code, § 1371(b)(1) - (3), that coastal dwelling Alaskan natives may take marine mammals for subsistence purposes or for the purposes of creating and selling authentic native articles of handicrafts and clothing, *as long as the taking of marine mammals for any of these purposes is not done in a wasteful manner.*
5. Title 50, Code of Federal Regulations, § 18.3, provides that “wasteful manner” means any taking or method of taking which results in the waste of any substantial portion of the marine mammal, or which is likely to result in the killing or injuring of marine mammals beyond those needed for subsistence and the other permitted purposes.
6. Title 16, United States Code, § 1362(13) provides in part that “taking” includes hunting, capturing, or killing, or attempting to hunt, capture, or kill, any marine mammal.
7. The Polar Bear (*Ursus maritimus*) is a marine mammal for purposes of the Marine Mammal Protection Act and the related applicable regulations.

The United States Attorney charges that:

COUNT 1

8. On or about December 20, 2018, at or near the native village of Kaktovik in the District of Alaska, the defendant, CHRISTOPHER L. GORDON:

- a. Left butchered whale meat outside in the front yard of his residence for a substantial period of time, attracting a Polar Bear, as well as other animals, to his front yard;
- b. Failed to use other available resources to properly store the whale meat so as not to attract animals, such as Polar Bears, to his front yard;
- c. Shot and killed the Polar Bear because it was trying to eat the improperly stored whale meat, and not in self-defense or to save the life of another person in immediate danger.

9. Between December 20, 2018 and May 22, 2019, the defendant left the Polar Bear carcass in his front yard without salvaging any portion of the Polar Bear and allowing it to become covered with snow, which caused a snow removal vehicle to move the Polar Bear carcass and rip off one of its legs.

10. Some five months later, on or about May 22, 2019, the defendant caused the Polar Bear carcass to be discarded and burned in the Kaktovik dump without using any of its parts for subsistence purposes.

WHEREFORE, the defendant did knowingly take a Polar Bear in a manner unlawful under the Marine Mammal Protection Act, by shooting and killing the Polar Bear and leaving the harvestable remains to waste.

All of which is in violation of Title 16, United States Code, Sections 1372(a)(2)(A), 1371(b)(3) & 1375(b); and Title 50, Code of Federal Regulations, Section 18.3.

DATED this 10th day of July, 2019, at Fairbanks, Alaska.

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